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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3  
4 THE HON. THOMAS M. COFFIN, JUDGE PRESIDING

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6  
7 UNITED STATES OF AMERICA, )

8 Government, )

9 v. )

) No. 05-60008-01

10 PIROUZ SEDAGHTAY, also known as )  
11 Pete Seda, also known as Perouz )  
12 Seda Ghaty, also known as Abu )  
13 Yunus, )

14 Defendant. )  
15

16 REPORTER'S TRANSCRIPT OF PROCEEDINGS

17 EUGENE, OREGON

18 MONDAY, SEPTEMBER 10, 2007

19 PAGES 1 - 17

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1 PROCEEDINGS

2 MONDAY, SEPTEMBER 10, 2007

3 THE CLERK: Now is the time set for the matter of  
4 the United States of America versus Pirouz Sedaghaty, Case  
5 No. 05-60008, detention hearing.

6 THE COURT: All right. Does either side have  
7 anything else they wish to add to the comments they made at  
8 the last hearing and also the written comments they have  
9 submitted to the court since then?

10 MR. MATASAR: Not really, Your Honor. I'm not  
11 aware of anything. If Mr. Cardani submitted something in  
12 writing, I haven't seen that, so if he has --

13 THE COURT: I think everything I have gotten in  
14 writing has been from you.

15 MR. MATASAR: All right.

16 THE COURT: Have you turned in the -- you said  
17 something in your letter about the --

18 MR. MATASAR: Yes, I have given Lisa Brown today  
19 the passports.

20 THE COURT: Okay.

21 MR. MATASAR: And also Mr. Seda's wife is present  
22 in the courtroom.

23 Would you stand up for the judge.

24 THE COURT: Okay. Thank you.

25 Anything else that the government wishes to add?

1 MR. CARDANI: Judge, if I could just chronicle a  
2 little bit here and then lead to a recommendation.

3 At the conclusion of the detention hearing a  
4 couple weeks back, it was my impression that the court  
5 wanted more information on the defendant's whereabouts  
6 during the last four and a half years.

7 THE COURT: And that was primarily based upon your  
8 suggestion that Mr. Seda had entered this country for  
9 ulterior motives other than to stand trial on the charges  
10 and your suggestions that -- which I took to mean that the  
11 government felt that he may constitute a danger to the  
12 community. That was the focus.

13 And since then, I glean that the government has  
14 backed off that position that he's a danger, and the issue  
15 now is whether or not he's a flight risk.

16 MR. CARDANI: I agree with the court's comments.  
17 I wouldn't agree with the statement that the government's  
18 backing off its concerns.

19 THE COURT: Would you then give me some detailed  
20 information about why you believe he's a danger.

21 MR. CARDANI: At this point it's the unknown. It  
22 is --

23 THE COURT: Do you have any specific facts or  
24 information that would suggest to you that he's a danger?

25 MR. CARDANI: Judge, what that's based on is, in

1 large part, the information that the court heard during the  
2 last detention hearing where we had concerns about, based on  
3 his prior activities, running a computer for these  
4 individuals, the issue about the money, things like that  
5 when he was running Al-Haramain here, and then leaving  
6 during the middle of the investigation and remaining a  
7 fugitive for as long as he did. Those are the bases of the  
8 concern. I think when you add to that --

9 THE COURT: Do you have any information that you  
10 haven't shared with the court?

11 MR. CARDANI: Nothing that I can add at this time,  
12 Your Honor. But my concern is the unknown. And that is, I  
13 thought the court wanted more information from the  
14 defendant. Put aside the kind of case that this is or is  
15 not. Any defendant before this court that is under  
16 indictment that has --

17 THE COURT: These are not charges that carry a  
18 presumption of a danger to the community.

19 MR. CARDANI: They are not. They are not. But  
20 any defendant before this court, whether it's a case  
21 involving a presumption or not, I think the court would want  
22 to know, pretrial services would certainly want to know, in  
23 advising this court, where have you been, how do I verify  
24 that, what have you been doing, where have you been working,  
25 how have you sustained yourself, how many passports do you

1 have. Give us some ability to make some attempt to verify  
2 this information. Do you have of some bank accounts.  
3 Things of the like. Regardless of the case, regardless of a  
4 case involving a presumption or not, I think this court  
5 would want -- pretrial would certainly want that information  
6 to advise this court on whether a defendant is a flight risk  
7 or not.

8 So I thought that was the -- the result of this  
9 last hearing, that Ms. Brown was charged with getting more  
10 information.

11 THE COURT: He may be somewhat of a flight risk in  
12 that he's a citizen of not only the United States but of  
13 Iran, and he could go to Iran and be beyond the reach of the  
14 United States. I understand that. But he did come back.

15 MR. CARDANI: He did come back.

16 THE COURT: Which would indicate that he's not a  
17 flight risk since he was safely out of the country and he  
18 returned here, knowing that these charges awaited him and  
19 knowing that he would be arrested when he arrived, and he  
20 subjected himself to the jurisdiction of the court.

21 Now, that, to me, would indicate that whatever  
22 concerns one has about him being a flight risk are  
23 outweighed by his voluntary return to the United States to  
24 stand trial.

25 MR. CARDANI: Judge, I can't --

1 THE COURT: So we have the issue of where he was,  
2 but nonetheless, he did come back. And so on the flight  
3 risk issue, that seems to be canceled by his voluntary  
4 return.

5 MR. CARDANI: Okay.

6 THE COURT: Which leads us to the only other  
7 issue, in my mind, is whether he's a danger to the  
8 community. And the government doesn't really have anything  
9 that it shared with the court that would substantiate that  
10 concern. We have conjecture. We have the expression of a  
11 question mark by the government. But we have no details  
12 that's been shared with the court that would substantiate  
13 any concern about danger. I'm not that influenced by the  
14 distribution of *The Noble Qur'ân* since that is a version of  
15 *The Qur'ân*. That's the official version of the Saudi Arabia  
16 government, and it promotes and distributes that literature  
17 itself.

18 MR. CARDANI: That's not entirely true, but I  
19 don't know if we need to go down there.

20 The part of *The Noble Qur'ân* that we had problems  
21 with is not *The Noble Qur'ân* per se. It's the appendix that  
22 Al-Haramain distributes, the appendix which is an appendage  
23 to *The Noble Qur'ân* inserted by, I think, Al-Haramain,  
24 called *A Call to Jihâd*, in which this court heard  
25 exhortations of physical violence to promote Islam. We are

1 not taking on *The Noble Qur'ân*. We are taking on the  
2 appendix that Mr. Seda and his former organization pushed  
3 into prisons throughout this United States calling for acts  
4 of violence to promote Islam.

5 But Judge, you know, I don't want to beat a dead  
6 horse, but I would like to go back to why I think we are  
7 here, and that is, this court asked for information. And,  
8 again, regardless of the case -- the type of case it is, we  
9 put together some basic questions that, when we had our in  
10 camera hearing with Mr. Matasar, I thought that there was an  
11 agreement that Mr. Seda would be more forthcoming from  
12 Mr. Matasar with information on basic issues.

13 List each of the countries you lived in from  
14 February '03 to August '07. List the cities, addresses,  
15 anyone that can confirm it, e-mail contacts, phone contacts,  
16 the jobs that you had in each of these places. Again, how  
17 do we verify this. Give us a telephone number or an e-mail  
18 contact of anybody that can verify this type of information.  
19 Did you open bank accounts. List each of the passports you  
20 have used from February '03 to August '07.

21 I thought there was an agreement that the  
22 defendant would be more forthcoming with information to  
23 pretrial services so that pretrial services can do its job  
24 in advising you on whether they have been able to confirm  
25 this information.



1 Now, to the best of my knowledge, there has been  
2 very little, hardly any information.

3 THE COURT: Do you have any information about  
4 where Mr. Seda was during this time period?

5 MR. CARDANI: Bits and pieces.

6 THE COURT: Do you have any independent  
7 information about where he was other than that which he has  
8 provided?

9 MR. CARDANI: If I may have a moment.

10 (Counsel conferred with the agents.)

11 MR. CARDANI: In answer to the court's question,  
12 we do have some information from a confidential source that  
13 Mr. Seda was selling vehicles, selling cars in Syria at some  
14 point during his time away from the United States. So we do  
15 have that information.

16 THE COURT: Well, it's somewhat frustrating.  
17 Pretrial services confides in the court that it feels that  
18 both sides have been less than completely forthcoming with  
19 information that pretrial services would like to have. So  
20 I -- certainly it's -- it's frustrating. If there's  
21 information that the government has as well that would help  
22 shed light that's not being shared, what are we to do?

23 MR. CARDANI: Judge, I think, once again, that  
24 when we had our chambers conference with you, I thought  
25 there was an agreement that the court, through pretrial, was

1 concerned about very basic information, residence, jobs,  
2 passports. For example, when we had our first detention  
3 hearing, the only passport we knew about is the one Mr. Seda  
4 came into the United States with.

5 At that hearing, we then learned that there was  
6 this mysterious Iranian passport, we never even knew about.  
7 And then it was given to the court, and then we learned  
8 about a canceled U.S. passport, which I understand now has  
9 come to --

10 THE COURT: Do we not now have all the passports?

11 MR. CARDANI: I don't know. And that's the  
12 problem. How can we --

13 MR. MATASAR: Your Honor --

14 MR. CARDANI: How can we react to information that  
15 we don't know about. We'd be happy to assist Ms. Brown and  
16 the court in an attempt to verify information that was  
17 provided to the court. That was the subject of the in  
18 camera meeting we had with you. It was my understanding  
19 that information would be coming from Mr. Seda through  
20 Mr. Matasar to Ms. Brown, to the court, and then the court  
21 would make a determination about whether it could share it  
22 with us so that we could help verify this information. We  
23 are ready, willing, and able to do that. We have not been  
24 given any information since that meeting to do it. We are  
25 ready to do it. We have got legal attache offices overseas

1 that stand ready to work with us, but we have no  
2 information. So we are at a loss to answer the court's  
3 questions, not because we are not willing to provide  
4 information to Ms. Brown, but because the information that I  
5 thought the court was going to garner from Mr. Seda has not  
6 been forthcoming.

7 THE COURT: Mr. Matasar.

8 MR. MATASAR: Your Honor, Mr. Cardani is  
9 indicating -- Mr. Cardani is indicating, for example, that  
10 there's a mysterious passport. That there's something being  
11 hidden. We had explained, and again to Ms. Brown, that --  
12 about the valid passport. There had been a previous  
13 canceled passport, which we then provided to her.  
14 Similarly, with the Iranian passport.

15 What Mr. Cardani is trying to do, by asking  
16 questions, by asking ten extremely detailed financial  
17 questions, he is trying to question the defendant in -- via  
18 pretrial services in a very unusual setting. He's indicated  
19 he's unwilling to restrict such an investigation to simply  
20 the pretrial issues. He's indicated that he could use it in  
21 the case-in-chief if he feels that's appropriate.

22 We have -- he is also making statements which are,  
23 in my understanding, factually incorrect. The appendix to  
24 *The Noble Qur'ân* came with the books from Saudi Arabia. It  
25 was not inserted by Al-Haramain. Indeed, they requested and

1 it eventually got removed.

2 As far as the verification issues, we have given  
3 much of that information to pretrial services. They wanted  
4 to contact Mr. Seda's wife, Summer. I gave pretrial  
5 services, on Monday, Labor Day, her e-mail address and her  
6 telephone number. On Tuesday at our meeting, I indicated  
7 that she should feel free to call. That's the kind of  
8 verification that's typically done in a release hearing.  
9 There's not typically a kind of fanning out of government  
10 agents wherever the defendant has been, let's say, in a drug  
11 case or in any other sort of case. They are asking us for  
12 information that is simply not typically provided in a  
13 regular case.

14 He did come back, and he's not a danger to the  
15 community. The government is making wild accusations. They  
16 are trying to link the defendant to Osama bin Laden. They  
17 are trying to link him to specific terrorists in Chechnya.  
18 There's no evidence of that. They are calling him a Trojan  
19 horse from a foreign intelligence service. Certainly, Your  
20 Honor, certainly if Mr. Seda were sent from a foreign  
21 intelligence service, he'd have an ironclad verification  
22 history. We wouldn't be having these problems.

23 These problems are caused by somebody living in  
24 countries where they don't have the same kind of addresses  
25 that we have where we are asking information from years ago.

1 We provided Ms. Brown with business cards, transactions,  
2 with evidence indicating that he was essentially living  
3 aboveboard and doing what he said he was doing.

4 Beyond that, we are in a very preliminary stage of  
5 the case. We need a much longer time to do it. We believe  
6 that he's not a danger, nor is he a flight risk.

7 THE COURT: What exactly is pretrial lacking in  
8 terms of information about Mr. Seda's whereabouts during the  
9 time he was out of this country?

10 MS. BROWN: Your Honor, we have bits and pieces of  
11 information. You know, I have talked with Mr. Seda and his  
12 attorney on two occasions. Each time we talk, it fills in  
13 one or two more pieces. After we met in chambers on  
14 Tuesday, we had agreed that Questions 3, 4, 5, and 10, maybe  
15 even 7 would have been answered. The responses that I got  
16 from Mr. Matasar late Thursday evening, early Friday  
17 morning, were two additional addresses in Iran, and he did  
18 send me some documentation, which I provided you a copy  
19 with, a shoe receipt, a driver's license with no picture, a  
20 couple other documents that were -- no time frames listed at  
21 all whatsoever. I have no idea if the addresses that he  
22 provided me were a week, did he stay there a month, was he  
23 there a year. I have no idea.

24 THE COURT: All right. How long will it take you  
25 to fill in this gaps?

1 MR. MATASAR: Your Honor, we have -- we have given  
2 Ms. Brown a list of places by -- in Saudi Arabia by general  
3 description and location. They do not have addresses like  
4 we do. We have -- as is the nature, Your Honor, when you  
5 are talking about something that happened four years ago  
6 when you are moving from place to place, we don't have exact  
7 addresses. We have a lot of information.

8 We gave Ms. Brown, I thought, a list, a pretty  
9 chronological list of where he was at certain times. His --  
10 I also indicated Mr. Seda is -- I don't know if dyslexic is  
11 the technical term, but there are reading and comprehension  
12 issues as far as some written material. That's why I  
13 suggested that he -- that she contact his wife, who is much  
14 better on that sort of information. Again, that was a week  
15 ago. She could have given much more detailed information  
16 about Dubai and Saudi Arabia. She was not present in Iran.  
17 However --

18 THE COURT: She's here today.

19 MR. MATASAR: She's here today, correct. I don't  
20 think that should --

21 THE COURT: Well, here's what I'm going to do:  
22 We'll take a recess on this case until 1:30. I want you to  
23 spend the rest of the morning filling in the gaps.

24 I will not consider the danger to the community  
25 issue unless the government is forthcoming with specific

1 information on that issue. I'm not going to be influenced  
2 by vague concerns being expressed. I get the impression  
3 that if there's information that may be out there that's not  
4 being shared with the court, well, that's the government's  
5 decision, if that's the case. But I'm not going to be  
6 influenced by vague expressions of concerns.

7           So to me, the issue is flight risk. And as I have  
8 said already, the fact that Mr. Seda returned here  
9 voluntarily is a -- in my mind, a very tangible  
10 counterweight to the concerns that are being expressed about  
11 flight risk.

12           Having said that, Mr. Matasar, I don't understand  
13 why it's so difficult to supply information about where your  
14 client was at different time periods.

15           MR. MATASAR: We have, Your Honor.

16           THE COURT: I don't understand --

17           MR. MATASAR: We have given -- Ms. Brown is not  
18 happy with it. I think it fair to say that she wants it  
19 verified. But we have provided information and one source  
20 for verification. Again, in a typical situation, the spouse  
21 is the verification.

22           THE COURT: The last comment she made about being  
23 provided with a place but not being told how long he stayed  
24 there, whether it was a week, whether it was a month,  
25 whether it was a year, that's the type of thing that you

1 need to fill in.

2 MR. MATASAR: I think we have, and we have more,  
3 and we'll work with his wife.

4 THE COURT: Very well. We'll be in recess until  
5 1:30.

6 THE CLERK: This court's in recess.

7 (Recess.)

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1 I hereby certify that the foregoing is a true and  
2 correct transcript of the oral proceedings had in the  
3 above-entitled matter, to the best of my skill and ability,  
4 dated this 15th day of September, 2007.

5  
6  
7   
8 Kristi L. Anderson, Certified Realtime Reporter

